

Assembly Bill No. 847

CHAPTER 884

An act to add Article 10.1 (commencing with Section 25211) to Chapter 6.5 of Division 20 of the Health and Safety Code, and to amend Sections 42167 and 42175 of, and to add Section 42175.1 to, the Public Resources Code, relating to hazardous materials.

[Approved by Governor October 11, 1997. Filed
with Secretary of State October 12, 1997.]

LEGISLATIVE COUNSEL'S DIGEST

AB 847, Wayne. Discarded major appliances: materials requiring special handling: hazardous waste.

(1) Under existing law, the California Integrated Waste Management Act of 1989, administered by the California Integrated Waste Management Board, materials that require special handling, as defined, are required to be removed from major appliances, as defined, and from vehicles in which they are contained prior to crushing for transport or transferring to a baler or shredder for recycling.

Existing law prohibits the management of hazardous waste, except in accordance with hazardous waste laws. A violation of the hazardous waste control laws is a crime.

This bill would revise the definition of materials that require special handling, and provide that any person who removes from a major appliance any material that requires special handling that is a hazardous waste is a hazardous waste generator. The bill would require such a person to comply with the provisions regulating hazardous waste generators and require those materials to be managed in accordance with the hazardous waste control laws, thereby imposing a state-mandated local program by creating a new crime.

The bill would require the Department of Toxic Substances Control, or the local health officer or public officer authorized to enforce the hazardous waste control laws, including when applicable, a certified unified program agency, to incorporate the regulation of materials that require special handling that are hazardous wastes into existing inspection and enforcement activities to ensure compliance with the bill's requirements, thereby imposing a state-mandated local program by imposing new duties upon local agencies.

The bill would require the department to transmit a copy of the Appliance Recycling Guide, published by the board, and any other materials determined by the department to be necessary to ensure compliance with the bill, to specified persons and agencies.

The bill would make related legislative findings and declarations and prescribe related matters.

The bill would require any hazardous material that becomes a hazardous waste when released or removed from a major appliance to be managed pursuant to requirements that would be imposed by this bill.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

The people of the State of California do enact as follows:

SECTION 1. The Legislature hereby finds and declares all of the following:

(a) Discarded major appliances are solid waste managed pursuant to the California Integrated Waste Management Act of 1989 (Division 30 (commencing with Section 40000) of the Public Resources Code), including the provisions of that act governing metallic discards (Chapter 3.5 (commencing with Section 42160) of Part 3 of Division 30 of the Public Resources Code) unless the major appliances are removed from the solid waste stream for the purposes of recycling. However, those major appliances may contain hazardous materials that become hazardous waste when released or removed from the appliance in the discard process.

(b) To avoid hazardous waste contamination of soil and groundwater and contamination of reusable materials derived from metal scrapyards and shredders, and to avoid the illegal disposal of any hazardous waste released or removed from a major appliance, it is in the interests of the state to ensure that those materials are removed from major appliances before they are crushed for transport or transferred to a shredder or baler for recycling and are managed in compliance with Chapter 6.5 (commencing with Section 25100) of Division 20 of the Health and Safety Code.

(c) Any materials that require special handling are required to be removed from major appliances as specified in Section 42175 of the Public Resources Code.

SEC. 2. Article 10.1 (commencing with Section 25211) is added to Chapter 6.5 of Division 20 of the Health and Safety Code, to read:

Article 10.1. Management of Hazardous Wastes Removed From
Discarded Appliances

25211. For purposes of this article, the following terms have the following meaning:



(a) “Major appliance” has the same meaning as defined in Section 42166 of the Public Resources Code.

(b) “Materials that require special handling” has the same meaning as defined in Section 42167 of the Public Resources Code.

25212. (a) Any person who, pursuant to Section 42175 of the Public Resources Code, removes from a major appliance any material that requires special handling, that is a hazardous waste under this chapter, is a hazardous waste generator and shall comply with all provisions of this chapter applicable to generators of hazardous waste.

(b) All materials that require special handling that have been removed from a major appliance pursuant to Section 42175 of the Public Resources Code, and that are hazardous wastes, shall be managed in accordance with this chapter.

(c) (1) The department or a local health officer or other public officer authorized pursuant to Article 8 (commencing with Section 25180), including, when applicable, a certified unified program agency (CUPA) or a unified program agency within the jurisdiction of a CUPA, shall incorporate the regulation of materials that require special handling that, when removed from major appliances, are hazardous wastes into the existing inspection and enforcement activities of the department or the local health officer or other public officer.

(2) The department, local health officers, or other public officers shall coordinate their activities as needed to identify and regulate materials that require special handling that, when removed from major appliances, are hazardous wastes that are transported from one jurisdiction to another.

25213. (a) To implement subdivision (c) of Section 25212, the department shall, based on reasonably available information, develop a statewide list of appliance recyclers, used appliance dealers, solid waste facilities, metal scrapyards, and others who may remove, or do business with those who remove, from major appliances, materials that require special handling. The department shall notify persons on the list of the requirements of this chapter and the steps that will be required to be taken to comply with this chapter.

(b) The department shall transmit a copy of the Appliance Recycling Guide, published by the California Integrated Waste Management Board, and any other materials determined to be necessary by the department to ensure compliance with this chapter, to the following persons and agencies:

(1) Persons who apply for a generator identification number indicating that they are involved with any activities regulated pursuant to this article.

(2) The local officers and agencies authorized to enforce this chapter pursuant to subdivision (a) of Section 25180.



(c) The department shall transmit the generator identification number of any person identified pursuant to paragraph (1) of subdivision (b) and the statewide list developed pursuant to subdivision (a) to the appropriate local officers and agencies authorized to enforce this chapter pursuant to subdivision (a) of Section 25180.

25214. The department shall make information available upon request regarding the implementation of this article, including, but not limited to, the list of persons notified pursuant to subdivision (a) of Section 25213, the list of persons identified pursuant to paragraph (1) of subdivision (b) of Section 25213, information on inspection and enforcement, and other information pertaining to the record of compliance with this article, subject to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).

SEC. 3. Section 42167 of the Public Resources Code is amended to read:

42167. “Materials that require special handling” means all of the following:

(a) Sodium azide canisters in unspent airbags that are determined to be hazardous by federal and state law or regulation.

(b) Encapsulated polychlorinated biphenyls (PCBs) in major appliances.

(c) Chlorofluorocarbons (CFCs) injected in air-conditioning/refrigeration units.

(d) Used oil, as defined in subparagraph (A) of paragraph (1) of subdivision (a) of Section 25250.1 of the Health and Safety Code, in major appliances. Materials described in subparagraph (B) of paragraph (1) of subdivision (a) of Section 25250.1 of the Health and Safety Code are not excluded from the definition of used oil for the purposes of this section.

(e) Mercury found in switches and temperature control devices in major appliances.

SEC. 4. Section 42175 of the Public Resources Code is amended to read:

42175. Materials that require special handling shall be removed from major appliances and vehicles in which they are contained prior to crushing for transport or transferring to a baler or shredder for recycling.

SEC. 5. Section 42175.1 is added to the Public Resources Code, to read:

42175.1. Any hazardous material that becomes a hazardous waste when released or removed from any major appliance shall be managed pursuant to Article 10.1 (commencing with Section 25211) of Chapter 6.5 of Division 20 of the Health and Safety Code.

SEC. 6. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the

costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution or because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

